



Bruce White  
<bwhite@k-w.com>  
06/24/2006 10:24 AM

To  
Subject Re: Ellsworth - time critical correspondence - initial  
response/formal request for more time

Tom:

A number of the parties that signed the Settlement Agreement and Order have asked us to request a formal extension of the time to further respond, rather than proceed informally as we have been doing.

It is our understanding that at least a couple of parties have approached you and formally requested extensions until July 7, 2006, and have been advised that the Agency would allow the time. On behalf of all other parties that signed the Settlement Agreement and Order, I am hereby making a parallel request to extend the time for further response to and including July 7, 2006.

We do not think that this request for additional time should be prejudicial considering that we have already furnished USEPA all of the data that we are aware of that resulted from samples collected as part of discovery in the Muniz litigation, and we have also furnished you more than a dozen technical reports by experts assessing all of the data. (And previously we had also furnished you the reports of plaintiffs' technical experts that had been submitted in the Muniz litigation.)

Thanks for your consideration of this request.

Bruce White

P.S.

We have also been asked whether USEPA has approved the access form the settling parties furnished in late April, and whether there is an update on when USEPA expects to be in the field to collect RI data. Would appreciate an update from you on both items at your earliest convenience.

BW

----- Original Message -----

**From:** Bruce White

**To:** [Krueger.Thomas@epamail.epa.gov](mailto:Krueger.Thomas@epamail.epa.gov)

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**Sent:** Friday, June 23, 2006 12:14 PM

**Subject:** Re: Ellsworth - time critical correspondence - initial response

Tom:

EPA Region 5 Records Ctr.



265598

On behalf of the parties that signed the Settlement Agreement and Order in September 2005 (OU1 RI/FS Settlement), this afternoon we are mailing out a partial response to your letter of June 12, 2006, which requested various additional categories of documentation if it was available to the settling parties. Without limitation or waiver of any potential objections that the settling parties may have individually or in the aggregate, we are providing a pair of CDs that include the following materials: reports of sampling conducted at DGSD, Fusibond, Magnetrol and Sterling Park, and copies of expert reports on technical issues submitted by various defendants in the Muniz litigation.

Individual settling parties may provide additional party/property specific information. However, because of time pressures they are all facing in Ellsworth related litigation matters, we anticipate it will be several weeks before any such individual responses are provided. Any objections on their behalf are expressly reserved.

If you have any questions, feel free to call

Bruce

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----- Original Message -----

From: <[Krueger.Thomas@epamail.epa.gov](mailto:Krueger.Thomas@epamail.epa.gov)>

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Sent: Monday, June 12, 2006 9:02 AM

Subject: Ellsworth - time critical correspondence

> (See attached file: ellsworth.612.pdf)